

(SRI V. L. PATIL)

(e) The fund has been debited to the extent of Rs. 10,00,000 during the years 1965-66 to 1967-68. Balance as on 31st March 1968 is Rs. 58,215.

(f) Adequate provisions have been made in the budgets for 1968-69 and 1969-70 for the schemes that are proposed to be implemented for the welfare of Scheduled Castes and Scheduled Tribes. Special schemes, if any, will be taken up from the funds provided for the Department. The balance at the credit of fund as on 31st March 1968 is only Rs. 58,215.

Private Members' Bills

(i) Mysore Land Reforms (Amendment) Bill. (Leave to Introduce)

Sri L. SRIKANTAI AH (Nanjangud).— Sir, I beg leave to introduce the Mysore Land Reforms (Amendment) Bill, 1969.

Sri D. S. NADKARNI (Ankola).— Sir, I oppose it on the ground that it is reactionary.

Sri K. PUTTASWAMY.—Sir, I have no objection to leave being granted.

†Sri L. SRIKANTAI AH.—Sir, under rule 71 I think I will have to offer a brief explanatory statement in support of the Bill I am introducing today. By this time we are well aware of the provisions of the Mysore Land Reforms Act. From experience we have learnt that the working of the Act has caused —I do not say injustice—great hardship to small holders. If we examine the Act very carefully, we will see that although the intention of the Legislature is that a small holder who owns not more than two basic holdings should in a sense be allowed to resume, section 16 (1) of the Act prohibits resumption.

In this connection I would like to invite attention to the definition of small holder, in section 2 (31) :

“Small holder, means land owner owning land not exceeding 2 basic holdings whose total net annual income including income from such lands does not exceed Rs. 1,200.” Two things are clubbed here in the definition of ‘small holder’. He should not own more than 2 basic holdings. Besides he must fulfil another important condition, that is, his income should not exceed Rs. 1,200. Let me draw the attention of the House to another provision, that is, section 5 :

“5 (1) Save as otherwise provided in this Act, after the appointed day no tenancy shall be created or continued in

respect of any land nor shall any land be leased for any period whatsoever :—

Provided that —

- (a) any small holder may create or continue tenancy or lease the land owned by him ;
- (b) any land-owner who is—
 - (i) a minor,
 - (ii) a widow,
 - (iii) an unmarried woman,
 - (iv) a person incapable of cultivating land by reason of any physical or mental disability, or
 - (v) a soldier in service in the Armed forces of the Union or a seaman

may create or continue the tenancy or lease the land owned by him or her : ”

Further, I would like to draw the attention of the House to another important definition in section 2 (29) :

“ ‘Resumable land’ in respect of any land leased by a landlord, means the extent of land which he is entitled to resume from his tenants under section 14 ; and the remaining part of the leased land, or where the landlord is not entitled to resume any extent of land leased to a tenant, the entire extent of land leased to a tenant shall be the non-resumable land :

provided that in respect of land held on lease on the appointed day,

- (i) land leased to a permanent tenant by any person ; and
- (ii) land leased to any tenant by a company, association or other body of individuals (not being a joint family whether incorporated or not, or by a religious, charitable or other institution capable of holding property shall be deemed to be non-resumable land : ”

Then there is another important proviso :

“Provided further that subject to the preceding proviso in the case of a landlord who is a small holder, a widow or an unmarried woman who files a statement under sub-section (7) of section 14, the entire extent of land leased to a tenant shall not be deemed to be non-resumable land.”

Now in a sense this definition assumes that a small holder can resume an extent of land which does not exceed two basic holdings.

(SRI L. SRIKANTAIYAH)

but unfortunately it is my opinion that section 16 sub-clause (1) puts a condition restricting the resumption of land under section 14 :

“16. The right of a landlord to resume for cultivating the land personally under section 14, shall be subject to the following conditions, namely :—

(1) if the landlord owns land not exceeding two basic holdings, he shall be entitled to resume one-half of the land leased to the tenant”

To me it appears there is an apparent conflict between section 16 (1) and the definition read with section 4. Section 4 allows a small holder to lease out his property. The definition of ‘resumable land’ assumes that a small holder can resume, but section 16 sub-clause (1) imposes a restriction that he cannot and he can resume only to the extent of only half. But there is another proviso under section 14 which again throws us into confusion.

“Notwithstanding anything contained in sections 22 and 43, but subject to the provisions of this section and of sections 15, 16, 17, 18, 19, 20 and 41, a landlord may, if he bona fide requires land, other than land referred to in the first proviso to clause (29) of sub-section (A) of section 2”

The net effect and the interpretation put by the courts is that unless a small holder happens to be a person who is within Rs. 1,200 annual income, he is not allowed to resume.

Now by this Bill I want to provide that if it is shown that he is a small holder and he owns land not exceeding 2 basic holdings he shall be allowed to resume without any restriction whatsoever. In other words, the income restriction must be removed. I would like to point that this restriction would be rather unreasonable. I shall give you some instances of the hardship caused to small holders. I came across a retired person in Mandya. He owns about 29 gunthas of land and he gets a pension of about Rs. 80. He wanted to resume his land for personal cultivation. He is retired and he wanted to settle on his land. But section 16 (1) has come up as a bar. He can resume only to the extent of $14\frac{1}{2}$ gunthas. In one sense, you say that you are against fragmentation of lands and in another sense you say that one can resume to the extent of one-half which in this case comes to $14\frac{1}{2}$ guntas. Now my Bill seeks to remove the hardships suffered by small holders who own less than 5 acres of land so that they may resume the entire extent for personal cultivation.

In view of the judgment of the Supreme Court in 1961, suppose I mortgage my land and the mortgagee is in possession. I deposit the money for redemption of the property. In the meantime, the mortgagee in possession transfers the property to some one else. Then that would

act as a restriction on my resumption under the Supreme Court judgement of 1961. My amendment seeks to give power in such cases to the owner of the property to resume the property.

Then, Sir, as far as possible it is better to merge the jurisdiction of the Land Tribunals with the Munsiff Court. At present there is no machinery to execute the decrees of the Land Tribunals. The decree will have to be passed on to the revenue authority. There is no self-acting mechanism to execute the decrees of the Land Tribunals. In such a case if jurisdiction is given to the Munsiff Court, it has got a full mechanism to execute the decree. So I have sought by my amendment to remove this lacuna from the Act.

Sir, I do not want to go into further details. I have explained in brief the object of this Bill in the statement of Objects and Reasons and so without taking much of the time of the House at this stage. I beg leave to introduce the Mysore Land Reforms (Amendment) Bill, 1969.

5-00 P.M.

† Sri D. S. NADKARNI.—According to the directive principles, all the facilities must be given for individual development. Not only that, in the decisions of the High Court also, now the implementation of the real land reforms is hindered, chances are given for all sorts of litigations and only Court work is increased. So, the directive principles are also not properly implemented. I am a firm believer that absentee landlordism and zamindari and all these things should be abolished and there should be no monopoly. I believe that the present land reform is not a reform at all. It is only enacted by the zamindars, who were represented in the Assembly in those days; for their own self-interest they have introduced these land reforms. Suggesting changes here and there, is no use. It will not give good relief. Therefore, I say that according to the main principle or according to socialism, land to the tiller is the only solution. Now, the ryot has no security and safety and nothing is guaranteed. Congress people talk big things and do vote-catching things. What I say is, abolish this Bill and another Bill for giving 'land to the tiller' may be introduced.

With these few remarks, I oppose this.

Mr. DEPUTY SPEAKER.—The question is:

"That leave be granted to introduce the Mysore Land Reforms (Amendment) Bill, 1969."

The motion was adopted.

Sri L. SRIKANTIAH.—I beg to introduce the Mysore Land Reforms (Amendment) Bill, 1969.

Mr. DEPUTY SPEAKER.—The Mysore Land Reforms (Amendment) Bill 1969, is introduced.

(ii) Mysore Co-operative Society (Amendment) Bill, 1968.

Motion to consider

Sri K. H. PATIL.—Sir, I beg to move :

“ That the Mysore Co-operative Societies (Amendment) Bill, 1968, be taken into consideration.”

Mr. DEPUTY SPEAKER.—Motion moved :

“ That the Mysore Co-operative Societies (Amendment) Bill, 1968, be taken into consideration.”

† ಶ್ರೀ ಕೆ. ಎಚ್. ಪಾಟೀಲ್.—ಮಾನ್ಯ ಸಭಾಪತಿಯವರೇ, ನಾನು ಮೈಸೂರು ಕೋ-ಆಪರೇಟೀವ್ ಅಸೋಸಿಯೇಷನ್ ಬಿಲ್‌ನ್ನು ಈ ಸಭೆಯ ಎದುರಿಗೆ ಮಂಡಿಸುತ್ತಾ, ಕೆಲವಾರು ಮಾತುಗಳನ್ನು ಹೇಳುವುದಕ್ಕೆ ಅಪೇಕ್ಷಿಸುತ್ತೇನೆ. ಈ ಸಭೆಯ ಎದುರಿಗೆ ಮೈಸೂರು ಕೋ-ಆಪರೇಟೀವ್ ಸೊಸೈಟೀಸ್ ಆಕ್ಟ್, 1950ನೇ ಇಸವಿಯಲ್ಲಿ ಬಂದಾಗ ಯಾವ ಆಶ್ವಾಸನೆಗಳನ್ನು ಕೊಟ್ಟಿದ್ದರೂ, ಯಾವ ರೀತಿಯಿಂದ ಈ ಮಸೂದೆಯನ್ನು ಪಾಸ್ ಮಾಡಲಕ್ಕೆ ಈ ಸದನದ ಅಭಿಪ್ರಾಯವನ್ನು ಪಡೆಯಿತು ಎನ್ನುವ ಮಾತನ್ನು ನಾವು ಇಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ವಿಚಾರಿಸುವುದು ಅತ್ಯಂತ ಅವಶ್ಯವಿದೆ. Too much interference on the part of the Government is detrimental to the Co-operative Societies ಎಂದು ಪಂಡಿತ್ ನೆಹರೂರವರು ಹೇಳಿದ ಒಂದು ಮಾತನ್ನು ಈ ಸಭೆಯ ಗಮನಕ್ಕೆ ತರಬಯಸುತ್ತೇನೆ. It is the best Government that rules least ಎಂದು ಮಹಾತ್ಮಾ ಗಾಂಧೀಯವರು ಹೇಳಿದ್ದಾರೆ. ಇಲ್ಲಿ 54ನೇ ಕಲಮಿನ ಬಗ್ಗೆ 17-4-59ರಲ್ಲಿ ಇದು ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚೆಗೆ ಬಂದಾಗ ಒಂದು ವಿಶೇಷವಾದ ಮಾತನ್ನು ಮಂತ್ರಿಗಳು ಹೇಳಿದರು. ಅದೇನೆಂದರೆ:—

...54ನೆಯ ಕಲಮಿನಲ್ಲಿ ಸಹ ಸರ್ಕಾರದವರು ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳ ಸಹಾಯವನ್ನು ಯಾವುದಾದರೂ ಸೊಸೈಟಿಗೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವ ಯಾವ ಷರತ್ತುಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಆಡಳಿತದಲ್ಲಿ ಈ ಒಂದು ಪಾಲಿಗಾರಿಕೆಯನ್ನು ವಹಿಸಬೇಕು ಎನ್ನತಕ್ಕಂಥ ವಿಚಾರ ತುಂಬ ಜಿಜ್ಞಾಸೆಗೆ ಒಳಗಾಗಿತ್ತು. ಆದರೆ ಈ ಕಲಮಿನಲ್ಲಿ ಎರಡು ಲಕ್ಷರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆ ಸರ್ಕಾರದವರು ಸಹಾಯವನ್ನು ಅಥವಾ ಸಾಲವನ್ನು ಕೊಟ್ಟ ಕಾಲದಲ್ಲಿಯೂ ಸಹ ಕೆಲವು ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಬಹುದು ಎಂದಿತ್ತು. ಅದನ್ನು ಪೂರ್ತಿ ತೆಗೆದುಕೊಳ್ಳಬೇಡಿ. ಎರಡು ಲಕ್ಷ ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆ ಇಲ್ಲದೆ ಸಾಲವನ್ನು ಕೊಟ್ಟಂಥ ಕಾಲದಲ್ಲಿ ಆಡಳಿತದಲ್ಲಿ ಎಷ್ಟು ಅಗತ್ಯ ಪಾಲಿಗಾರಿಕೆ ಅಥವಾ ಸಂಬಂಧವಿರಬೇಕೋ ಅಷ್ಟು ಮಾತ್ರ ಉಳಿಸಿಕೊಳ್ಳಬೇಕೆಂದನ್ನುವಾಗ, ಎರಡು ಶಾಸನ ಸಭೆಗಳ ಗಮನಕ್ಕೆ ತರತಕ್ಕಂಥಾದ್ದು, ಶಾಸನ ಸಭೆಗಳಿಗೆ ಅದನ್ನು ತಂದಂಥ ಕಾಲದಲ್ಲಿ ಎಲ್ಲಿ ಎಲ್ಲಿ ಏನಾದರೂ ದುರಸ್ತಿ ಇತ್ಯಾದಿ ನೀಡಿದರೆ ಆ ದುರಸ್ತಿಗೆ ಒಳಪಟ್ಟು ಸರ್ಕಾರ ಆದರಲ್ಲಿ ಭಾಗವಹಿಸುತ್ತದೆ ಎನ್ನತಕ್ಕಂಥ ರೀತಿಯಲ್ಲಿ ವಿವರಿಸಿದೆ. ಅದು ಸಾಕಷ್ಟು ಸ್ಪಷ್ಟವಾಗಿ ಮತ್ತು ಸರ್ಕಾರದವರು ಕೊಡತಕ್ಕಂಥ ಸಹಾಯ, ಸಾಲವನ್ನು ಭದ್ರಪಡಿಸುವುದಕ್ಕೆ ಸಾಕಾಗಿದೆ ಮತ್ತು ಉಚಿತವಾದ ಪಾಲಿಗಾರಿಕೆಯನ್ನು ಮಾತ್ರ ಸರ್ಕಾರದವರು ಇಟ್ಟುಕೊಳ್ಳುವುದಕ್ಕೆ ಮಿತಿಯನ್ನು ಸೂಚಿಸಿದೆ.....”

ಇಂಥ ಒಂದು ಆಶ್ವಾಸನೆಯನ್ನು ಈ ಸಭೆಗೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ನಾನು ಇಲ್ಲಿ ಬಹಳ ಹೊತ್ತಿನವರೆಗೆ ಹೇಳಬೇಕಾದ ಪ್ರಮೇಯವೇನೂ ಇಲ್ಲ. ಮಾನ್ಯ ಸದಸ್ಯರುಗಳಾದ ಶ್ರೀ ಎಂ. ಆರ್. ಪಾಟೀಲ್, ಡಾಕ್ಟರ್ ನಾಗನಗೌಡ ಮತ್ತು ಇನ್ನೂ ಅನೇಕ ಮಹನೀಯರು ವಿಶದವಾಗಿ ಈ ಕಾಯಿದೆಯಲ್ಲಿ ಅಡಕವಾಗಿರುವಂತಹ ಸಮಸ್ಯೆಗಳನ್ನು ಬಹಳ ಕಟುವಾಗಿ ಟೀಕಿಸಿ, ಕೊನೆಗೆ ದಿವಂಗತ ಮಾಲಿ ಮರಿಯಪ್ಪನವರು ಹೇಳಿರುವ ಧಾಟಿಯನ್ನೇ ಒಪ್ಪಿ ಮುಂದೆ ಬರುವ ಸರ್ಕಾರವನ್ನೇನೋಡುತ್ತದೆ ಎನ್ನುವ ದೃಷ್ಟಿಯೊಳಗೆ ಈ ಕಾಯಿದೆಯನ್ನು ಒಪ್ಪಿಕೊಂಡದ್ದಾಗಿದೆ. ಆದರೆ ಇವತ್ತಿನ ದಿವಸ ಅದಕ್ಕೆ ತದ್ವಿರುದ್ಧವಾಗಿ ಪರಿಸ್ಥಿತಿ ನಮ್ಮ ರಾಜ್ಯದಲ್ಲಿ ಬಂದಿರುವುದರಿಂದ ಅನಿವಾರ್ಯವಾಗಿ ಈ ಕಾಯಿದೆಯ ತಿದ್ದುಪಡಿ ಸೂಚಿಸುವಂತಹ ಪರಿಸ್ಥಿತಿ ಪ್ರಾಪ್ತವಾಗಿದೆ. ಒಂದು ಮಾತನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರುತ್ತೇನೆ. ಯಾವಾಗಲೂ ಅವಶ್ಯಕತೆ ಇಲ್ಲದಿದ್ದರೆ, ದುರದೃಷ್ಟವಾದ ಪ್ರಸಂಗ ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬರದಿದ್ದರೆ, ಈ ಕಾಯಿದೆಯನ್ನು ಅನುಸರಿಸುವುದಕ್ಕೆ ಸರ್ಕಾರದವರು ಪ್ರಯತ್ನ ಮಾಡುತ್ತಾ ಇರಲಿಲ್ಲ; ಆದ್ದರಿಂದ ಈ ತಿದ್ದುಪಡಿ ಅನಿವಾರ್ಯವೆನ್ನುವ ಪಾಠವನ್ನು ನನ್ನ ಸ್ನೇಹಿತರವರೊಡನೆ